

## 25.1101 Acquisition of supplies.

The following provisions and clauses apply to the *acquisition of supplies* and the *acquisition of services* involving the furnishing of *supplies*.

(a)

(1) Insert the clause at 52.225-1, Buy American-Supplies, in *solicitations* and contracts with a value exceeding the *micro-purchase threshold* but not exceeding \$25,000; and in *solicitations* and contracts with a value exceeding \$25,000, if none of the clauses prescribed in paragraphs (b) and (c) of this section apply, except if-

(i) The *solicitation* is restricted to *domestic end products* in accordance with subpart 6.3;

(ii) The *acquisition* is for *supplies* for use within the *United States* and an exception to the Buy American statute applies (e.g., nonavailability, public interest, or *information technology* that is a *commercial product*); or

(iii) The *acquisition* is for *supplies* for use outside the *United States*.

(2) Insert the provision at 52.225-2, Buy American Certificate, in *solicitations* containing the clause at 52.225-1.

(b)

(1)

(i) Insert the clause at 52.225-3, Buy American-Free Trade Agreements-Israeli Trade Act, in *solicitations* and contracts if-

(A) The *acquisition* is for *supplies*, or for services involving the furnishing of *supplies*, for use within the *United States*, and the *acquisition* value is \$25,000 or more, but is less than \$183,000;

(B) The *acquisition* is not for *information technology* that is a *commercial product*, using fiscal year 2004 or subsequent fiscal year funds; and

(C) No exception in 25.401 applies. For *acquisitions* of agencies not subject to the Israeli Trade Act (see 25.406), see agency regulations.

(ii) If the *acquisition* value is \$25,000 or more but is less than \$50,000, use the clause with its *Alternate I*.

(iii) If the *acquisition* value is \$50,000 or more but is less than \$92,319, use the clause with its *Alternate II*.

(iv) If the *acquisition* value is \$92,319 or more but is less than \$100,000, use the clause with its *Alternate III*.

(2)

(i) Insert the provision at [52.225-4](#), Buy American-Free Trade Agreements-Israeli Trade Act Certificate, in *solicitations* containing the clause at [52.225-3](#).

(ii) If the *acquisition* value is \$25,000 or more but is less than \$50,000, use the provision with its *Alternate I*.

(iii) If the *acquisition* value is \$50,000 or more but is less than \$92,319, use the provision with its *Alternate II*.

(iv) If the *acquisition* value is \$92,319 or more, but is less than \$100,000, use the provision with its *Alternate III*.

(c)

(1) Insert the clause at [52.225-5](#), Trade Agreements, in *solicitations* and contracts valued at \$183,000 or more, if the *acquisition* is covered by the WTO GPA (see [subpart 25.4](#)) and the agency has determined that the restrictions of the Buy American statute are not applicable to *U.S.-made end products*. If the agency has not made such a determination, the *contracting officer must* follow agency procedures.

(2) Insert the provision at [52.225-6](#), Trade Agreements Certificate, in *solicitations* containing the clause at [52.225-5](#).

(d) Insert the provision at [52.225-7](#), Waiver of Buy American Statute for *Civil Aircraft and Related Articles*, in *solicitations* for *civil aircraft and related articles* (see [25.407](#)), if the *acquisition* value is less than \$183,000.

(e) Insert the clause at [52.225-8](#), Duty-Free Entry, in *solicitations* and contracts for *supplies* that may be imported into the *United States* and for which duty-free entry may be obtained in accordance with [25.903\(a\)](#), if the value of the *acquisition*-

(1) Exceeds the *simplified acquisition threshold*; or

(2) Does not exceed the *simplified acquisition threshold*, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. When used for *acquisitions* that do not exceed the *simplified acquisition threshold*, the *contracting officer may* modify paragraphs (c)(1) and (j)(2) of the clause to reduce the dollar figure.

(f) Insert the provision at [52.225-18](#), Place of Manufacture, in *solicitations* that are predominantly for the *acquisition* of *manufactured end products* (i.e., the estimated value of the *manufactured end products* exceeds the estimated value of other items to be acquired as a result of the *solicitation*).

**Parent topic:** [Subpart 25.11 - Solicitation Provisions and Contract Clauses](#)